

**THE VIRGINIA BOARD FOR  
WATERWORKS AND WASTEWATER WORKS OPERATORS AND ONSITE  
SEWAGE SYSTEM OPERATORS**

**MINUTES**

The Virginia Board for Waterworks and Wastewater Works Operators and Onsite Sewage System Operators met on March 24, 2009, at Department of Professional and Occupational Regulation, 9960 Mayland Drive, Richmond, Virginia, with the following members present:

Frank L. Davis, Jr.  
Kornell Davis, Jr.,  
Marcia J. Degen  
Wesley Kleene  
Eileen M. Leininger  
E. Brooke Philpy  
Ronald R. Thomas  
John Vanderland  
Harold W. Walker

Board members, Charles B. Bott Jr., and Douglas J. Crooks were not present at the meeting.

Others who attended the meeting included:

Alex Blackburn, Blackburn Construction Services, LLC  
Jim Bowles, VDH – OEHS  
Mike Campbell, VDH Henrico  
Larry Fellenz, Sr., Action Tank and Drain Services  
Sandra Gentry, Gentry Septic Tank Service  
Dominick Gibino, Association of Onsite Sewage System Contractors  
Peter Kesecker, Soil Services - AOSE Service Provider  
Curtis Moore, VOWRA  
Amy Pemberton, VDH Peninsula H.D.  
Joel Pinnex  
Ryan Reed, Virginia Association of Professional Soil Scientists

Staff present for all or part of the meeting were:

Jay W. DeBoer, Director  
Mark N. Courtney, Deputy Director of Licensing and Regulation  
David Dick, Executive Director  
Justin Garofalo, Board Administrator  
Michelle Gowen, Administrative Assistant  
Amy Goobic, Administrative Assistant  
Victoria Traylor, Legal Analyst

Elizabeth Peay was present from the Office of the Attorney General.

Mr. Davis, finding a quorum of the Board present, called the meeting to order at 9:05 AM.

**Call to Order**

Ms. Degen moved to approve the agenda. Ms. Leininger seconded the motion which was unanimously approved by members: F. Davis, Degen, Kleene, Leininger, Thomas, and Walker. Mr. K. Davis, Mr. Vanderland and Mr. Philpy were present, but did not vote since by statute they are ineligible to vote on matters unrelated to Onsite Sewage System Professionals until July 1, 2009.

**Approval of Agenda**

Ms. Leininger moved to approve the following minutes as amended:

**Approval of Minutes**

December 4, 2008, Board Meeting;  
December 11, 2008, IFF Conference Meeting; and  
March 23, 2009, Education Committee Meeting.

Mr. Walker seconded the motion which was unanimously approved by members: F. Davis, Degen, Kleene, Leininger, Thomas, and Walker. Mr. K. Davis, Mr. Vanderland and Mr. Philpy were present, but did not vote since by statute they are ineligible to vote on matters unrelated to Onsite Sewage System Professionals until July 1, 2009.

Sandra Gentry addressed the Board regarding the proposed OSSP regulations and the Board's duties.

**Public Comment Period**

Dominic Gibino addressed the Board in regards to the proposed OSSP regulations.

Ryan Reed addressed the Board regarding the proposed OSSP regulations and the public comments made on the regulations.

In the matter of **File Number 2008-03463, Isaac Jacob Conley, Jr.**, the Board members reviewed the Consent Order as agreed to by Mr. Conley. Mr. Kleene moved to accept the Consent Order which cites a violation of 18 VAC 160-20-140.7 of the Board's regulations. For this violation Mr. Conley agreed to Board costs in the amount of \$150.00 as well as the revocation of his license. Ms. Degen seconded the motion which was approved by members: F. Davis, Degen, Kleene, Leininger, Thomas, and Walker. Mr. K. Davis, Mr. Vanderland and Mr. Philpy were present, but did

**File Number 2008-03463 – Isaac Jacob Conley, Jr.**

not vote since by statute they are ineligible to vote on matters unrelated to Onsite Sewage System Professionals until July 1, 2009.

In the matter of **File Number 2009-01595, Joseph Belk**, the Board members reviewed the record which consisted of the application file, transcript and exhibits from the Informal Fact-Finding Conference, and the Presiding Officer's Summary and Recommendation. Mr. Belk was not present to address the Board. Ms. Degen moved to accept the recommendation of the Presiding Officer and approve Mr. Belk's Class IV Wastewater Works Operator license application. Mr. Walker seconded the motion which was approved by members: F. Davis, Degen, Kleene, Leininger, Thomas, and Walker. Mr. K. Davis, Mr. Vanderland and Mr. Philpy were present, but did not vote since by statute they are ineligible to vote on matters unrelated to Onsite Sewage System Professionals until July 1, 2009.

**File Number 2009-01595 – Joseph Belk**

Ms. Leininger left the meeting at 10:45 a.m.

**Departure of Ms. Leininger**

The Board members were provided with the summary of public comments received on the proposed OSSP regulations as well as the draft Board response for review. The Board members reviewed the summary of, and draft response to, the public comments. After discussion, Mr. Walker moved to adopt the response to the public comments as amended. Ms. Degen seconded the motion which was approved by members: F. Davis, K. Davis, Degen, Kleene, Leininger, Philpy, Thomas, Vanderland, and Walker.

**Review Public Comment on Proposed OSSP Regulations and Adopt Draft Board Response**

The Board members took a break from 10:50 a.m. to 11:10 a.m.

**Break**

The issue of whether Section 54.1-2302 of the Code of Virginia required every individual working on an onsite sewage system installation to have an onsite sewage system installer license.

**Adopt Final OSSP Regulations**

It was observed that many individuals working on an installation are using skills that are not unique to onsite sewage system installation. A backhoe operator would be using the same skills on an onsite sewage system installation as he would be using to dig footings, for example.

The licensing requirement would be most effective and least burdensome if one onsite sewage system installer licensee were to

be responsible for the installation's compliance with all applicable laws and regulations.

The Board came to a consensus that Section 54.1-2302 shall be interpreted to require each licensed contractor with an SDS classification to have one licensed onsite sewage system installer designated as the responsible person in charge of any onsite sewage system installation or repair activity. No other individual involved in the installation or repair is required to possess an onsite sewage system installer license. However, the licensed onsite sewage system installer is responsible for the compliance by the unlicensed installers with all pertinent laws and regulations.

The Board members reviewed the draft final regulations as prepared by staff. After review and discussion, Mr. K. Davis moved to adopt the final regulations as amended. Mr. K. Davis further moved to authorize staff, in conjunction with the Chair, to make any minor changes as necessary, on behalf of the Board, so that the regulations can be approved. Mr. Philpy seconded the motion which was approved by members: F. Davis, K. Davis, Degen, Kleene, Leininger, Philpy, Thomas, Vanderland, and Walker.

The Board members were provided with a memo from Sharon Sweet, Director of Examinations at DPOR, for review. After review and discussion, the Board agreed by consensus that the Advanced Treatment content area falls under the alternative examination only.

**Discussion of  
OSSP  
Examination  
Development**

The Board members took a break for lunch from 12:14 p.m. to 1:00 p.m.

**Lunch**

Mr. Dick updated the Board members on the general regulation amendments.

**Update on  
General Reg  
Review**

Mr. Dick informed the Board members they need to make any changes deemed necessary to the CPE audit policy at this time. After discussion, Ms. Degen moved to continue with randomly auditing 5% of wastewater operator licensees. Mr. Thomas seconded the motion which was approved by members: F. Davis, Degen, Kleene, Leininger, Thomas, and Walker. Mr. K. Davis, Mr. Vanderland and Mr. Philpy were present, but did not vote since by statute they are ineligible to vote on matters unrelated to Onsite Sewage System Professionals until July 1, 2009.

**Discussion of CPE  
Audit**

Mr. Garofalo provided the Board with a report from the Education Committee meeting held on March 23, 2009. After discussion, Mr. Kleene moved to accept the committee's recommendations on the provider applications. Mr. Walker seconded the motion which was approved by members: F. Davis, Degen, Kleene, Leininger, Thomas, and Walker. Mr. K. Davis, Mr. Vanderland and Mr. Philpy were present, but did not vote since by statute they are ineligible to vote on matters unrelated to Onsite Sewage System Professionals until July 1, 2009.

**Education  
Committee  
Meeting Report**

Future Board Meeting Dates:

**Future Meeting  
Date**

June 24, 2009  
September 23, 2009  
December 2, 2009

Board members completed their conflict of interest forms and travel vouchers.

**Conflict of  
Interest Forms**

The Board adjourned at 1:13 p.m.

**Adjournment**

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Frank L. Davis, Jr., Chairperson

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Jay W. DeBoer, Secretary